

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JOSEPH R. SARVER,	:
Plaintiff	:
	: Civil Action No. 04-127J
JOANNE B. BARNHART, COMMISSIONER	:
OF SOCIAL SECURITY,	:
Defendant	:

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for a Report and Recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on January 26, 2006, docket no. 11, recommending that the defendant's motion for summary judgment, docket no. 9, be granted, that plaintiff's motion for summary judgment, docket no. 7, be denied, and the decision of the Commissioner affirmed.

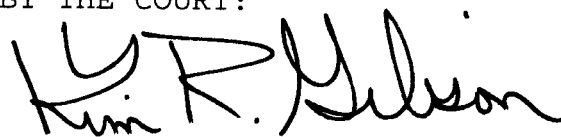
The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had ten days to serve and file written objections to the Report and Recommendation. Plaintiff filed objections on February 6, 2006, docket no. 12, which I have reviewed de novo but reject.

After de novo review of the record of this matter, the Report and Recommendation, and the objections thereto, the following order is entered:

AND NOW, this 23rd day of February, 2006, it is

ORDERED that the defendant's motion for summary judgment, docket no. 9, is granted, the plaintiff's motion for summary judgment, docket no. 7, is denied, and the decision of the Commissioner is affirmed. The Report and Recommendation is adopted as the opinion of the Court. The Clerk shall mark this matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson". The signature is written in a cursive, flowing style with a horizontal line underneath the name.

KIM R. GIBSON,
UNITED STATES DISTRICT JUDGE

Notice to counsel of record:

John Burt, Esquire
Suite 810 Arrott Building
401 Wood Street
Pittsburgh, PA 15222

John J. Valkovci, Jr., Esquire
224 Penn Traffic Building
319 Washington Street
Johnstown, PA 15901